

AMENDED IN ASSEMBLY JULY 1, 2008
AMENDED IN ASSEMBLY JUNE 9, 2008
AMENDED IN ASSEMBLY JUNE 25, 2007
AMENDED IN SENATE MAY 2, 2007
AMENDED IN SENATE APRIL 18, 2007
AMENDED IN SENATE APRIL 10, 2007
AMENDED IN SENATE MARCH 22, 2007

SENATE BILL

No. 303

Introduced by Senator Ducheny

February 16, 2007

An act to amend Sections ~~65080~~, 65080.3, 65583, 65584, 65584.01, and ~~65584.05~~ 65588 of, and to add Sections 65080.4 and 65080.6 to, the Government Code, relating to land use planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 303, as amended, Ducheny. Local government: land use planning.

(1) Existing law requires designated transportation planning agencies to prepare and adopt a regional transportation plan that includes a policy element, an action element, and a financial element. The plan is required to be directed at achieving a coordinated and balanced regional transportation plan. Each transportation agency with a population that exceeds 200,000 persons is authorized to prepare at least one alternative planning scenario, as specified.

This bill would require ~~the regional transportation plan to include an initial planning scenario, as specified. A~~ a transportation planning agency with a population exceeding 200,000 persons, ~~would be required~~

(A) *to prepare an initial planning scenario, as specified, and an alternative planning scenario, as specified, (B) to adopt and publish procedures governing the preparation and adoption of the ~~regional transportation plan~~ initial planning scenario and the alternative planning scenario, as specified, (B) to prepare an alternative planning scenario, as specified, and (C) to submit, at least 90 days prior to circulation of the draft regional transportation plan, the initial planning scenario and the alternative planning scenario and accompanying report to the State Air Resources Board, as specified. These additional duties would impose a state-mandated local program. The State Air Resources Board would be required to hold a public hearing and issue a written report determining whether either the initial planning scenario or the alternative planning scenario will inhibit the state from achieving its goals under the California Global Warming Solutions Act of 2006. A city or county would be authorized to create one or more transportation infill areas, as specified.*

(2) Existing law requires a city or county general plan to include specified mandatory elements, including a housing element that analyzes existing and projected housing needs and includes a statement of goals, quantified objectives, policies, financial resources, and scheduled programs for the maintenance, preservation, improvement, and development of housing. The housing element is required to identify the existing and projected housing needs of all economic segments of the community. The Department of Housing and Community Development is required to calculate the existing and projected regional housing need, as specified. The council of governments, or delegate subregion, as applicable, is required to distribute the proposed final allocation of regional planning needs to each local government in the region or subregion, as applicable, based on specified methodology. ~~It is the intent of the Legislature that the proposed final allocation be distributed prior to the completion of the update of the applicable regional transportation plan.~~ *Each local government is required to review its housing element as frequently as appropriate and to revise the housing element, as appropriate but not less than every 5 years, to reflect the periodic review.*

This bill would revise the time period for the statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing. The timeframe for calculating and distributing the ~~fourth~~ *4th* and subsequent revisions of the housing element would be revised, as

~~specified. The proposed final allocation would be required to be distributed prior to the completion of the update of the applicable regional transportation plan. Each local government within a regional transportation planning agency or a local transportation commission instead would be required to revise the housing element, as appropriate but not less than every 8 years, to reflect the adoption of the regional transportation plan. Every other local government would be required to revise the housing element not less than every 10 years to reflect the adoption of the regional transportation plan.~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 65080 of the Government Code is~~
2 ~~amended to read:~~
3 ~~65080. (a) Each transportation planning agency designated~~
4 ~~under Section 29532 or 29532.1 shall prepare and adopt a regional~~
5 ~~transportation plan directed at achieving a coordinated and balanced~~
6 ~~regional transportation system, including, but not limited to, mass~~
7 ~~transportation, highway, railroad, maritime, bicycle, pedestrian,~~
8 ~~goods movement, and aviation facilities and services. The plan~~
9 ~~shall be action-oriented and pragmatic, considering both the~~
10 ~~short-term and long-term future, and shall present clear, concise~~
11 ~~policy guidance to local and state officials. The regional~~
12 ~~transportation plan shall consider factors specified in Section 134~~
13 ~~of Title 23 of the United States Code. Each transportation planning~~
14 ~~agency shall consider and incorporate, as appropriate, the~~
15 ~~transportation plans of cities, counties, districts, private~~
16 ~~organizations, and state and federal agencies.~~
17 ~~(b) The regional transportation plan shall include all of the~~
18 ~~following:~~
19 ~~(1) (A) An initial planning scenario. For areas that have a~~
20 ~~county transportation commission created pursuant to Section~~
21 ~~130050 of the Public Utilities Code, the county transportation~~

1 ~~commission for each county shall prepare the initial planning~~
2 ~~scenario for its area or otherwise contract with the multicounty~~
3 ~~designated transportation planning agency, as defined in Section~~
4 ~~130004 of the Public Resources Code, to prepare the initial~~
5 ~~planning scenario for its area. The initial planning scenario shall~~
6 ~~do all of the following:~~

7 ~~(i) Project a land use and development pattern that includes land~~
8 ~~use designations, densities, and building intensities for the area~~
9 ~~covered by the regional transportation plan based on existing~~
10 ~~general plan policies and recent and current growth patterns.~~

11 ~~(ii) Provide for sufficient housing within the region to~~
12 ~~accommodate the region's medium- and long-term housing need~~
13 ~~for all income levels during the planning period.~~

14 ~~(iii) Establish a regional greenhouse gas emissions target by~~
15 ~~projecting the Land Use-Transportation Carbon Footprint~~
16 ~~associated with implementation of the regional transportation plan.~~

17 ~~(B) The initial planning scenario may designate the approximate~~
18 ~~boundaries of potential Transportation Infill Areas (TIAs) within~~
19 ~~the region, pursuant to Section 65080.5, that could be developed~~
20 ~~at significantly higher densities to increase the efficiency of the~~
21 ~~transportation network.~~

22 ~~(2) A policy element that describes the transportation issues in~~
23 ~~the region, identifies and quantifies regional needs, and describes~~
24 ~~the desired short-range and long-range transportation goals, and~~
25 ~~pragmatic objective and policy statements. The objective and policy~~
26 ~~statements shall be consistent with the funding estimates of the~~
27 ~~financial element. The policy element of transportation planning~~
28 ~~agencies with populations that exceed 200,000 persons may~~
29 ~~quantify a set of indicators including, but not limited to, all of the~~
30 ~~following:~~

31 ~~(A) Measures of mobility and traffic congestion, including, but~~
32 ~~not limited to, vehicle hours of delay per capita and vehicle miles~~
33 ~~traveled per capita.~~

34 ~~(B) Measures of road and bridge maintenance and rehabilitation~~
35 ~~needs, including, but not limited to, roadway pavement and bridge~~
36 ~~conditions.~~

37 ~~(C) Measures of means of travel, including, but not limited to,~~
38 ~~percentage share of all trips (work and nonwork) made by all of~~
39 ~~the following:~~

40 ~~(i) Single occupant vehicle.~~

1 ~~(ii) Multiple-occupant vehicle or carpool.~~

2 ~~(iii) Public transit including commuter rail and intercity rail.~~

3 ~~(iv) Walking.~~

4 ~~(v) Bicycling.~~

5 ~~(D) Measures of safety and security, including, but not limited~~
6 ~~to, total injuries and fatalities assigned to each of the modes set~~
7 ~~forth in subparagraph (C).~~

8 ~~(E) Measures of equity and accessibility, including, but not~~
9 ~~limited to, percentage of the population served by frequent and~~
10 ~~reliable public transit, with a breakdown by income bracket, and~~
11 ~~percentage of all jobs accessible by frequent and reliable public~~
12 ~~transit service, with a breakdown by income bracket.~~

13 ~~(F) The requirements of this section may be met utilizing~~
14 ~~existing sources of information. No additional traffic counts;~~
15 ~~household surveys, or other sources of data shall be required.~~

16 ~~(3) An action element that describes the programs and actions~~
17 ~~necessary to implement the plan and assigns implementation~~
18 ~~responsibilities. The action element may describe all projects~~
19 ~~proposed for development during the 20-year life of the plan.~~

20 ~~The action element shall consider congestion management~~
21 ~~programming activities carried out within the region.~~

22 ~~(4) (A) A financial element that summarizes the cost of plan~~
23 ~~implementation constrained by a realistic projection of available~~
24 ~~revenues. The financial element shall also contain~~
25 ~~recommendations for allocation of funds. A county transportation~~
26 ~~commission created pursuant to Section 130000 of the Public~~
27 ~~Utilities Code shall be responsible for recommending projects to~~
28 ~~be funded with regional improvement funds, if the project is~~
29 ~~consistent with the regional transportation plan. The first five years~~
30 ~~of the financial element shall be based on the five-year estimate~~
31 ~~of funds developed pursuant to Section 14524. The financial~~
32 ~~element may recommend the development of specified new sources~~
33 ~~of revenue, consistent with the policy element and action element.~~

34 ~~(B) The financial element of transportation planning agencies~~
35 ~~with populations that exceed 200,000 persons may include a project~~
36 ~~cost breakdown for all projects proposed for development during~~
37 ~~the 20-year life of the plan that includes total expenditures and~~
38 ~~related percentages of total expenditures for all of the following:~~

39 ~~(i) State highway expansion.~~

40 ~~(ii) State highway rehabilitation, maintenance, and operations.~~

- ~~(iii) Local road and street expansion.~~
- ~~(iv) Local road and street rehabilitation, maintenance, and operation.~~
- ~~(v) Mass transit, commuter rail, and intercity rail expansion.~~
- ~~(vi) Mass transit, commuter rail, and intercity rail rehabilitation, maintenance, and operations.~~
- ~~(vii) Pedestrian and bicycle facilities.~~
- ~~(viii) Environmental enhancements and mitigation.~~
- ~~(ix) Research and planning.~~
- ~~(x) Other categories.~~

~~(e) Each transportation planning agency may also include other factors of local significance as an element of the regional transportation plan, including, but not limited to, issues of mobility for specific sectors of the community, including, but not limited to, senior citizens.~~

~~(d) Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Prior to adoption of the regional transportation plan, a public hearing shall be held after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061. In a transportation planning agency with a population exceeding 200,000 persons, the transportation planning agency, after notice and the opportunity for the public to provide written and oral comments, shall adopt and publish procedures governing the preparation and adoption of the regional transportation plan. The procedures shall include, at a minimum, all of the following:~~

~~(1) Outreach efforts to ensure the active participation of a broad range of stakeholder groups in the planning process, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, homebuilder representatives, broad-based business~~

1 organizations, landowners, commercial property interests, and
2 homeowners associations.

3 (2) Workshops throughout the region to provide the public with
4 the information and tools necessary to provide a clear
5 understanding of the issues and policy choices, including
6 prioritizing transportation funding in a manner that limits
7 opportunities for single-family home development and ownership
8 and individual automobile use in an attempt to address global
9 climate change through altering the region's transportation and
10 land use policy. At least three workshops shall be held in each
11 county within the region. Each workshop shall include urban
12 simulation computer modeling to create visual representations of
13 the initial planning scenario and the alternative planning scenario
14 prepared pursuant to Section 65080.3.

15 (3) Preparation and circulation of a draft regional transportation
16 plan not less than 90 days before adoption of a final plan.

17 (4) At least three public hearings on the draft regional
18 transportation plan. To the maximum extent feasible, the hearings
19 shall be in different parts of the region to maximize the opportunity
20 for participation by members of the public throughout the region.

21 (5) A process for enabling members of the public to provide a
22 single request to receive notices, information, and updates.

23 (e) For purposes of this chapter the following terms have the
24 following meanings:

25 (1) "Land use transportation carbon footprint" means the
26 region's per capita or per household carbon emissions calculated
27 using a methodology that measures the carbon equivalent of
28 greenhouse gas emissions from personal and freight transportation
29 and residential energy use and direct fuel consumption.

30 (2) "Medium-term housing need" means the region's existing
31 and projected housing need determined pursuant to paragraph (1)
32 of subdivision (a) of Section 65584.

33 (3) The provisions in Section 65583.2 shall be used to determine
34 site capacity and accommodation of lower income households.

35 SEC. 2.

36 SECTION 1. Section 65080.3 of the Government Code is
37 amended to read:

38 65080.3.—(a) Each transportation planning agency with a
39 65080.3. (a) Each transportation planning agency with a
40 population that exceeds 200,000 persons shall prepare an initial

1 *planning scenario. For areas that have a county transportation*
2 *commission created pursuant to Section 130050 of the Public*
3 *Utilities Code, the county transportation commission for each*
4 *county shall prepare the initial planning scenario for its area or*
5 *otherwise contract with the multicounty designated transportation*
6 *planning agency, as defined in Section 130004 of the Public*
7 *Utilities Code, to prepare the initial planning scenario for its area.*
8 *The initial planning scenario shall do all of the following:*

9 *(1) Project a land use and development pattern that includes*
10 *land use designations, densities, and building intensities for the*
11 *area covered by the regional transportation plan based on existing*
12 *general plan policies and recent and current growth patterns.*

13 *(2) Identify areas within the region sufficient to house the*
14 *regional housing need determined pursuant to Section 65584.01*
15 *in accordance with the final allocation plan adopted pursuant to*
16 *Section 65584.04.*

17 *(3) Take into consideration the region's long-term housing need.*

18 *(4) Establish a regional greenhouse gas emissions target by*
19 *projecting the land use-transportation carbon footprint associated*
20 *with implementation of the regional transportation plan. The*
21 *land-use transportation carbon footprint shall be based on*
22 *planning assumptions used for determining conformity pursuant*
23 *to federal law.*

24 *(b) The initial planning scenario may designate the approximate*
25 *boundaries of potential transportation infill areas (TIAs) within*
26 *the region, pursuant to Section 65080.5, that could be developed*
27 *at significantly higher densities to increase the efficiency of the*
28 *transportation network.*

29 *(c) Each transportation agency with a population that exceeds*
30 *200,000 persons shall prepare an "alternative planning scenario"*
31 *that results in a projected land use transportation carbon footprint,*
32 *as defined in Section 65080, that is less than that associated with*
33 *the initial planning scenario for presentation to local officials,*
34 *agency board members, and the public during the development of*
35 *the regional transportation plan and the workshops and hearings*
36 *required under subdivision (d) of Section 65080. For areas*
37 *scenario. For areas that have a county transportation commission*
38 *created pursuant to Section 130050 of the Public Utilities Code,*
39 *the county transportation commission for each county shall prepare*
40 *the alternative planning scenario for its area or otherwise contract*

1 with the multicounty designated transportation planning agency,
2 as defined in Section 130004 of the Public Utilities Code, to
3 prepare the alternative planning scenario for its area.

4 ~~(b)~~

5 (d) The alternative planning scenario shall do all of the
6 following:

7 (1) Project a land use and development pattern that includes
8 land use designations, densities, and building intensities for the
9 area covered by the regional transportation plan, after considering
10 a range of growth patterns with different emphases, including
11 accommodating growth in master planned communities,
12 accommodating growth in exurban areas outside existing urban
13 centers, accommodating growth in suburban areas near urban areas,
14 and *accommodating* growth in urban areas.

15 ~~(2) Provide for sufficient housing within the region to~~
16 ~~accommodate the region's medium- and long-term housing need~~
17 ~~for all income levels during the planning period.~~

18 *(2) Identify areas within the region sufficient to house the*
19 *regional housing need determined pursuant to Section 65584.01*
20 *in accordance with the goal of reducing the region's land*
21 *use-transportation carbon footprint.*

22 (3) Take into consideration the region's long-term housing need.

23 ~~(3)~~

24 (4) Rely on, and accommodate, the same planning projections
25 and assumptions as the initial planning scenario, including
26 projected population and job growth.

27 ~~(e)~~

28 (e) The alternative planning scenario shall be developed in
29 collaboration with a broad range of public and private stakeholders,
30 including local elected officials, city and county employees,
31 relevant interest groups, and the general public. In developing the
32 scenario, the agency shall consider all of the following:

33 (1) Increasing housing and commercial development around
34 transit facilities and in close proximity to jobs and commercial
35 activity centers.

36 (2) Encouraging public transit usage, ridesharing, walking,
37 bicycling, and transportation demand management practices.

38 (3) Promoting a more efficient mix of current and future job
39 sites, commercial activity centers, and housing opportunities.

1 (4) Promoting use of urban vacant land and “brownfield”
2 redevelopment.

3 (5) An economic incentive program that may include measures
4 such as transit vouchers and variable pricing for transportation.

5 (6) The general plans of the cities and counties within the region,
6 spheres of influence for each city, and the most recent municipal
7 service reviews completed by the local agency formation
8 commissions within the planning area.

9 (7) The alternative planning scenario may designate the
10 approximate boundaries of potential transportation infill areas
11 (TIAs) within the region, pursuant to Section 65080.5, that could
12 be developed at significantly higher densities to increase the
13 efficiency of the transportation network.

14 (e)

15 (f) The alternative planning scenario shall be included in a report
16 evaluating all of the following:

17 (1) The amounts and locations of traffic congestion.

18 (2) Vehicle miles traveled and the resulting reduction in vehicle
19 emissions.

20 (3) Estimated percentage share of trips made by each means of
21 travel specified in subparagraph (C) of paragraph ~~(2)~~ (1) of
22 subdivision (b) of Section 65080.

23 (4) The costs of transportation improvements required to
24 accommodate the population growth in accordance with the
25 alternative planning scenario and sources of funds for the required
26 improvements.

27 (5) The economic, social, environmental, regulatory, and
28 institutional barriers to the scenario being achieved.

29 (6) The capacity, or lack thereof, of existing infrastructure for
30 water supply, wastewater transport and treatment, solid waste
31 disposal, and other utilities to accommodate any increased densities
32 envisioned under the alternative planning scenario, and increases,
33 upgrades, or retrofit actions necessary to establish sufficient
34 capacity for the envisioned uses.

35 (7) Quantification of the reduction in the land use transportation
36 carbon footprint forecasted to be achieved by the alternative
37 planning scenario as compared to the initial planning scenario.

38 (g) *The transportation planning agency, after notice and the*
39 *opportunity for the public to provide written and oral comments,*
40 *shall adopt and publish procedures governing the preparation and*

1 *adoption of the initial planning scenario and the alternative*
2 *planning scenario. The procedures shall include, at a minimum,*
3 *all of the following:*

4 *(1) Outreach efforts to ensure the active participation of a broad*
5 *range of stakeholder groups in the planning process, including,*
6 *but not limited to, affordable housing advocates, transportation*
7 *advocates, neighborhood and community groups, environmental*
8 *advocates, home builder representatives, broad-based business*
9 *organizations, landowners, commercial property interests, and*
10 *homeowners associations.*

11 *(2) Workshops throughout the region to provide the public with*
12 *the information and tools necessary to provide a clear*
13 *understanding of the issues and policy choices, including*
14 *prioritizing transportation funding in a manner that limits*
15 *opportunities for single-family home development and ownership*
16 *and individual automobile use in an attempt to address global*
17 *climate change through altering the region's transportation and*
18 *land use policy. At least three workshops shall be held in each*
19 *county within the region. Each workshop shall include urban*
20 *simulation computer modeling to create visual representations of*
21 *the initial planning scenario and the alternative planning scenario.*

22 *(3) Preparation and circulation of a draft initial planning*
23 *scenario and alternative planning scenario not less than 90 days*
24 *before adoption of a final plan.*

25 *(4) At least three public hearings on the draft initial planning*
26 *scenario and alternative planning scenario. To the maximum extent*
27 *feasible, the hearings shall be in different parts of the region to*
28 *maximize the opportunity for participation by members of the*
29 *public throughout the region.*

30 *(5) A process for enabling members of the public to provide a*
31 *single request to receive notices, information, and updates.*

32 *(e)*

33 *(h) (1) At least 90 days prior to circulation of the draft regional*
34 *transportation plan, the transportation agency shall submit the*
35 *initial planning scenario and the alternative planning scenario and*
36 *accompanying report to the State Air Resources Board. The board*
37 *shall hold a public hearing and issue a written report determining*
38 *whether each scenario will inhibit the state from achieving its goals*
39 *under the California Global Warming Solutions Act of 2006 (Part*
40 *1 (commencing with Section 38500) of Division 25.5 of the Health*

1 and Safety Code). The board's determination shall be supported
2 by substantial evidence in the record. The board is not authorized
3 to make land use determinations, zoning determinations, determine
4 building intensities, or other determinations that are the prerogative
5 of local governments. The board shall transmit its written report
6 to the transportation agency within 60 days of receiving the
7 scenarios from the transportation agency.

8 (2) If the State Air Resources Board's report determines that
9 neither the initial planning scenario nor the alternative planning
10 scenario will inhibit the state from achieving its goals under the
11 California Global Warming Solutions Act of 2006 (Part 1
12 (commencing with Section 38500) of Division 25.5 of the Health
13 and Safety Code), the transportation agency may adopt either one
14 as the planning scenario for the regional transportation plan.

15 (3) If the State Air Resources Board's report determines that ~~(i)~~
16 (A) the initial planning scenario will inhibit the state from achieving
17 its goals under the California Global Warming Solutions Act of
18 2006 (Part 1 (commencing with Section 38500) of Division 25.5
19 of the Health and Safety Code), and ~~(ii)~~ (B) that the alternative
20 planning scenario will not inhibit the state from achieving its goals
21 under that act, the alternative planning scenario and accompanying
22 report shall be adopted as the planning scenario for the regional
23 transportation plan.

24 (4) If the State Air Resources Board's report determines that
25 both scenarios will inhibit the state from achieving its goals under
26 the California Global Warming Solutions Act of 2006 (Part 1
27 (commencing with Section 38500) of Division 25.5 of the Health
28 and Safety Code), the report shall include proposed modifications
29 to the alternative planning scenario that would result in the
30 alternative planning scenario not inhibiting the state's goals under
31 that act. The board shall not make land use determinations, zoning
32 determinations, or building intensity determinations. The
33 transportation agency shall adopt the alternative planning scenario
34 with the modifications as the planning scenario for the regional
35 transportation plan unless it determines, based on substantial
36 evidence in the record, that ~~(i)~~ (A) the proposed modifications
37 would prevent the region from meeting its medium- or long-term
38 housing need, or ~~(ii)~~ (B) the proposed modifications render the
39 alternative planning scenario inconsistent with any applicable
40 federal requirements for land use and development scenarios. If

1 the transportation agency makes either of these determinations, it
2 shall adopt the alternative planning scenario without the
3 modifications as the planning scenario for the regional
4 transportation plan.

5 ~~(f)~~

6 (i) Nothing in this section grants transportation planning
7 agencies any direct or indirect authority over local land use
8 decisions.

9 ~~(g)~~

10 (j) The provisions of this chapter shall be the exclusive
11 compliance mechanism for the land use sector sources in each
12 region for purposes of the California Global Warming Solutions
13 Act of 2006 (Part 1 (commencing with Section 38500) of Division
14 25.5 of the Health and Safety Code), and no additional
15 requirements shall be required pursuant to that act regulating the
16 location, distribution, or type of land uses, or the generation of
17 vehicle miles traveled by motor vehicles associated with such land
18 uses. Nothing in this subdivision shall prohibit the issuance of
19 energy efficiency requirements for existing or new development
20 related to energy use within the development nor shall it affect the
21 ability of any agency to regulate the greenhouse gas or air
22 contaminant emissions rate of any vehicles or transportation
23 facilities.

24 ~~(h)~~

25 (k) Nothing in this chapter shall be interpreted to authorize the
26 abrogation of any vested right whether created statutorily or by
27 common law.

28 ~~(i)~~

29 (l) The provisions of this section shall not apply to all of the
30 following:

31 (1) Any project programmed for funding on or before December
32 31, 2011, that is (A) contained in the 2007 or 2009 Federal
33 Statewide Transportation Improvement Program, or (B) funded
34 pursuant to Chapter 12.49 (commencing with Section 8879.20) of
35 Division 1 of Title 2.

36 (2) Any project identified in a ballot measure imposing a sales
37 tax for transportation projects that is approved by the voters on or
38 before November 4, 2008.

39 ~~(j)~~

(m) Where a ballot measure imposing a sales tax for transportation projects approved on or before November 4, 2008, includes or references a transportation expenditure plan that allocates funds based on the programmatic nature of the expenditure (categorical expenditures), nothing in this bill shall be interpreted to require or authorize the reallocation of funds to a different category, or any other action that would require voter approval. The governing agency, however, shall establish criteria that gives priority for funds within a category to projects that are consistent with the adopted planning scenario for the regional transportation plan.

~~(k)~~
(n) Nothing in this section shall be interpreted, either by its own terms or in combination with any other provision of law, as requiring a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or the planning scenario adopted as part of the regional transportation plan.

~~(j)~~
(o) Nothing in this section shall apply to any project for which an application has been deemed complete by any jurisdictional local lead agency or for which a notice of preparation has been issued pursuant to subdivision (a) of Section 21080.4 of the Public Resources Code and subdivision (a) of Section 15082 of Title 24 of the California Code of Regulations, prior to the adoption of the first regional transportation plan prepared in compliance with this section, by the transportation agency for the region in which the project is located.

(p) *For purposes of this chapter, the following terms have the following meanings:*

(1) *"Land use-transportation carbon footprint" means the region's per capita or per household carbon emissions calculated using a methodology that measures the carbon equivalent of greenhouse gas emissions from personal and freight transportation and residential energy use and direct fuel consumption.*

(2) *"Long-term housing need" means a projection of the region's housing need for the period that begins nine years after and concludes 17 years after the first year of the effective date of the regional transportation plan. This projection shall be made by the Department of Housing and Community Development based*

1 *upon the regional population forecasts used in preparing regional*
2 *transportation plans.*

3 *(3) The provisions in Section 65583.2 shall be used to determine*
4 *site capacity and accommodation of lower income households.*

5 ~~SEC. 3.~~

6 SEC. 2. Section 65080.4 is added to the Government Code, to
7 read:

8 65080.4. If a project is consistent with the designation, density,
9 and building intensity specified for the area in the planning scenario
10 for the regional transportation plan, any environmental review for
11 the project, including, without limitation, findings or other
12 determinations for an exemption, a negative declaration, a mitigated
13 negative declaration, an environmental impact report, findings, a
14 mitigation monitoring and reporting program, or other document
15 under Division 13 (commencing with Section 21000) of the Public
16 Resources Code, shall not be required to reference, describe, or
17 discuss potential project specific or cumulative growth inducing
18 effects, alternatives, or effects related to greenhouse gas emissions
19 or climate change. In addition, the geographic scope for
20 referencing, describing, or discussing any potentially cumulative
21 effects not prohibited by this section from being referenced,
22 described, or discussed shall not extend beyond the territorial limits
23 of the city or county in which the project is located.

24 ~~SEC. 4.~~

25 SEC. 3. Section 65080.6 is added to the Government Code, to
26 read:

27 65080.6. (a) A city or county may create one or more
28 transportation infill areas—(TIA) (TIAs) in areas designated as
29 potential transportation infill areas in the regional transportation
30 plan.

31 (b) A TIA shall include all of the following:

32 (1) A reasonable description of the specific boundaries of the
33 TIA within the jurisdiction.

34 (2) Zoning that plans for the construction of at least 500 new
35 dwelling units in addition to commercial, retail, office, or other
36 uses that are compatible with residential development located
37 within a transit corridor.

38 (3) Minimum zoning and density standards that establish average
39 residential densities of at least 30 units per acre in residential areas
40 and an average floor area ratio of 2.0 in commercial areas.

(c) The following provisions shall apply within TIAs:

(1) The provisions of Section 65915 do not apply.

(2) If a project is consistent with the designation, density, and building intensity specified for the area in the planning scenario for the regional transportation plan, any environmental review for the project, including, without limitation, findings or other determinations for an exemption, a negative declaration, a mitigated negative declaration, an environmental impact report, findings, a mitigation monitoring and reporting program, or other document under Division 13 (commencing with Section 21000) of the Public Resources Code, shall not be required to reference, describe, or discuss potential project specific or cumulative growth inducing effects, alternatives, or effects related to greenhouse gas emissions or climate change. In addition, the geographic scope for referencing, describing, or discussing any potentially cumulative effects not prohibited by this section from being referenced, described, or discussed shall not extend beyond the territorial limits of the city or county in which the project is located.

~~SEC. 5.~~

SEC. 4. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include

1 the locality's share of the regional housing need in accordance
2 with Section 65584. Local agencies shall calculate the subset of
3 very low income households allotted under Section 65584 that
4 qualify as extremely low income households. The local agency
5 may either use available census data to calculate the percentage
6 of very low income households that qualify as extremely low
7 income households or presume that 50 percent of the very low
8 income households qualify as extremely low income households.
9 The number of extremely low income households and very low
10 income households shall equal the jurisdiction's allocation of very
11 low income households pursuant to Section 65584.

12 (2) An analysis and documentation of household characteristics,
13 including level of payment compared to ability to pay, housing
14 characteristics, including overcrowding, and housing stock
15 condition.

16 (3) An inventory of land suitable for residential development,
17 including vacant sites and sites having potential for redevelopment,
18 and an analysis of the relationship of zoning and public facilities
19 and services to these sites.

20 (4) (A) The identification of a zone or zones where emergency
21 shelters are allowed as a permitted use without a conditional use
22 or other discretionary permit. The identified zone or zones shall
23 include sufficient capacity to accommodate the need for emergency
24 shelter identified in paragraph (7), except that each local
25 government shall identify a zone or zones that can accommodate
26 at least one year-round emergency shelter. If the local government
27 cannot identify a zone or zones with sufficient capacity, the local
28 government shall include a program to amend its zoning ordinance
29 to meet the requirements of this paragraph within one year of the
30 adoption of the housing element. The local government may
31 identify additional zones where emergency shelters are permitted
32 with a conditional use permit. The local government shall also
33 demonstrate that existing or proposed permit processing,
34 development, and management standards are objective and
35 encourage and facilitate the development of, or conversion to,
36 emergency shelters. Emergency shelters may only be subject to
37 those development and management standards that apply to
38 residential or commercial development within the same zone except
39 that a local government may apply written, objective standards
40 that include all of the following:

1 (i) The maximum number of beds or persons permitted to be
2 served nightly by the facility.

3 (ii) Off-street parking based upon demonstrated need, provided
4 that the standards do not require more parking for emergency
5 shelters than for other residential or commercial uses within the
6 same zone.

7 (iii) The size and location of exterior and interior onsite waiting
8 and client intake areas.

9 (iv) The provision of onsite management.

10 (v) The proximity to other emergency shelters, provided that
11 emergency shelters are not required to be more than 300 feet apart.

12 (vi) The length of stay.

13 (vii) Lighting.

14 (viii) Security during hours that the emergency shelter is in
15 operation.

16 (B) The permit processing, development, and management
17 standards applied under this paragraph shall not be deemed to be
18 discretionary acts within the meaning of the California
19 Environmental Quality Act (Division 13 (commencing with Section
20 21000) of the Public Resources Code).

21 (C) A local government that can demonstrate to the satisfaction
22 of the department the existence of one or more emergency shelters
23 either within its jurisdiction or pursuant to a multijurisdictional
24 agreement that can accommodate that jurisdiction's need for
25 emergency shelter identified in paragraph (7) may comply with
26 the zoning requirements of subparagraph (A) by identifying a zone
27 or zones where new emergency shelters are allowed with a
28 conditional use permit.

29 (D) A local government with an existing ordinance or ordinances
30 that comply with this paragraph shall not be required to take
31 additional action to identify zones for emergency shelters. The
32 housing element must only describe how existing ordinances,
33 policies, and standards are consistent with the requirements of this
34 paragraph.

35 (5) An analysis of potential and actual governmental constraints
36 upon the maintenance, improvement, or development of housing
37 for all income levels, including the types of housing identified in
38 paragraph (1) of subdivision (c), and for persons with disabilities
39 as identified in the analysis pursuant to paragraph (6), including
40 land use controls, building codes and their enforcement, site

1 improvements, fees and other exactions required of developers,
2 and local processing and permit procedures. The analysis shall
3 also demonstrate local efforts to remove governmental constraints
4 that hinder the locality from meeting its share of the regional
5 housing need in accordance with Section 65584 and from meeting
6 the need for housing for persons with disabilities, supportive
7 housing, transitional housing, and emergency shelters identified
8 pursuant to paragraph (6). Transitional housing and supportive
9 housing shall be considered a residential use of property, and shall
10 be subject only to those restrictions that apply to other residential
11 dwellings of the same type in the same zone.

12 (6) An analysis of potential and actual nongovernmental
13 constraints upon the maintenance, improvement, or development
14 of housing for all income levels, including the availability of
15 financing, the price of land, and the cost of construction.

16 (7) An analysis of any special housing needs, such as those of
17 the elderly, persons with disabilities, large families, farmworkers,
18 families with female heads of households, and families and persons
19 in need of emergency shelter. The need for emergency shelter shall
20 be assessed based on annual and seasonal need. The need for
21 emergency shelter may be reduced by the number of supportive
22 housing units that are identified in an adopted 10-year plan to end
23 chronic homelessness and that are either vacant or for which
24 funding has been identified to allow construction during the
25 planning period.

26 (8) An analysis of opportunities for energy conservation with
27 respect to residential development.

28 (9) An analysis of existing assisted housing developments that
29 are eligible to change from low-income housing uses during the
30 next 10 years due to termination of subsidy contracts, mortgage
31 prepayment, or expiration of restrictions on use. "Assisted housing
32 developments," for the purpose of this section, shall mean
33 multifamily rental housing that receives governmental assistance
34 under federal programs listed in subdivision (a) of Section
35 65863.10, state and local multifamily revenue bond programs,
36 local redevelopment programs, the federal Community
37 Development Block Grant Program, or local in-lieu fees. "Assisted
38 housing developments" shall also include multifamily rental units
39 that were developed pursuant to a local inclusionary housing

1 program or used to qualify for a density bonus pursuant to Section
2 65916.

3 (A) The analysis shall include a listing of each development by
4 project name and address, the type of governmental assistance
5 received, the earliest possible date of change from low-income use
6 and the total number of elderly and nonelderly units that could be
7 lost from the locality's low-income housing stock in each year
8 during the 10-year period. For purposes of state and federally
9 funded projects, the analysis required by this subparagraph need
10 only contain information available on a statewide basis.

11 (B) The analysis shall estimate the total cost of producing new
12 rental housing that is comparable in size and rent levels, to replace
13 the units that could change from low-income use, and an estimated
14 cost of preserving the assisted housing developments. This cost
15 analysis for replacement housing may be done aggregately for
16 each five-year period and does not have to contain a
17 project-by-project cost estimate.

18 (C) The analysis shall identify public and private nonprofit
19 corporations known to the local government which have legal and
20 managerial capacity to acquire and manage these housing
21 developments.

22 (D) The analysis shall identify and consider the use of all federal,
23 state, and local financing and subsidy programs which can be used
24 to preserve, for lower income households, the assisted housing
25 developments; identified in this paragraph, including, but not
26 limited to, federal Community Development Block Grant Program
27 funds, tax increment funds received by a redevelopment agency
28 of the community, and administrative fees received by a housing
29 authority operating within the community. In considering the use
30 of these financing and subsidy programs, the analysis shall identify
31 the amounts of funds under each available program which have
32 not been legally obligated for other purposes and which could be
33 available for use in preserving assisted housing developments.

34 (b) (1) A statement of the community's goals, quantified
35 objectives, and policies relative to the maintenance, preservation,
36 improvement, and development of housing.

37 (2) It is recognized that the total housing needs identified
38 pursuant to subdivision (a) may exceed available resources and
39 the community's ability to satisfy this need within the content of
40 the general plan requirements outlined in Article 5 (commencing

with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over an eight-year time period.

(c) ~~A program which sets forth a~~ *that sets forth an eight-year* schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available *no later than the end of the fourth year of the planning period for the general plan* with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. ~~Notwithstanding any other provision of law, all of the actions identified pursuant to this paragraph, including rezonings and availability of services and facilities, shall be completed and in~~ *Notwithstanding any other provision of law, all rezonings shall be completed and in* effect no later than three years after the due date for adopting the final housing element specified in Section 65588 or 65584.02. ~~Zoning undertaken to satisfy the requirements of this paragraph shall allow development of a site at the necessary density range without a requirement for further rezoning of the site. Sites shall~~ *Sites shall* be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental

1 housing, factory-built housing, mobilehomes, housing for
2 agricultural employees, supportive housing, single-room occupancy
3 units, emergency shelters, and transitional housing.

4 (A) Where the inventory of sites, pursuant to paragraph (3) of
5 subdivision (a), does not identify adequate sites to accommodate
6 the need for groups of all household income levels pursuant to
7 Section 65584, the program shall identify sites that can be
8 developed for housing within the planning period pursuant to
9 subdivision (h) of Section 65583.2.

10 (B) Where the inventory of sites pursuant to paragraph (3) of
11 subdivision (a) does not identify adequate sites to accommodate
12 the need for farmworker housing, the program shall provide for
13 sufficient sites to meet the need with zoning that permits
14 farmworker housing use by right, including density and
15 development standards that could accommodate and facilitate the
16 feasibility of the development of farmworker housing for low- and
17 very low income households.

18 (2) Assist in the development of adequate housing to meet the
19 needs of extremely low, very low, low-, and moderate-income
20 households.

21 (3) Address and, where appropriate and legally possible, remove
22 governmental constraints to the maintenance, improvement, and
23 development of housing, including housing for all income levels
24 and housing for persons with disabilities. The program shall remove
25 constraints to, and provide reasonable accommodations for housing
26 designed for, intended for occupancy by, or with supportive
27 services for, persons with disabilities.

28 (4) Conserve and improve the condition of the existing
29 affordable housing stock, which may include addressing ways to
30 mitigate the loss of dwelling units demolished by public or private
31 action.

32 (5) Promote housing opportunities for all persons regardless of
33 race, religion, sex, marital status, ancestry, national origin, color,
34 familial status, or disability.

35 (6) Preserve for lower income households the assisted housing
36 developments identified pursuant to paragraph (9) of subdivision
37 (a). The program for preservation of the assisted housing
38 developments shall utilize, to the extent necessary, all available
39 federal, state, and local financing and subsidy programs identified
40 in paragraph (9) of subdivision (a), except where a community has

1 other urgent needs for which alternative funding sources are not
2 available. The program may include strategies that involve local
3 regulation and technical assistance.

4 (7) The program shall include an identification of the agencies
5 and officials responsible for the implementation of the various
6 actions and the means by which consistency will be achieved with
7 other general plan elements and community goals. The local
8 government shall make a diligent effort to achieve public
9 participation of all economic segments of the community in the
10 development of the housing element, and the program shall
11 describe this effort.

12 (d) (1) A local government may satisfy all or part of its
13 requirement to identify a zone or zones suitable for the
14 development of emergency shelters pursuant to paragraph (4) of
15 subdivision (a) by adopting and implementing a multijurisdictional
16 agreement, with a maximum of two other adjacent communities,
17 that requires the participating jurisdictions to develop at least one
18 year-round emergency shelter within two years of the beginning
19 of the planning period.

20 (2) The agreement shall allocate a portion of the new shelter
21 capacity to each jurisdiction as credit towards its emergency shelter
22 need, and each jurisdiction shall describe how the capacity was
23 allocated as part of its housing element.

24 (3) Each member jurisdiction of a multijurisdictional agreement
25 shall describe in its housing element all of the following:

26 (A) How the joint facility will meet the jurisdiction's emergency
27 shelter need.

28 (B) The jurisdiction's contribution to the facility for both the
29 development and ongoing operation and management of the
30 facility.

31 (C) The amount and source of the funding that the jurisdiction
32 contributes to the facility.

33 (4) The aggregate capacity claimed by the participating
34 jurisdictions in their housing elements shall not exceed the actual
35 capacity of the shelter.

36 (e) Except as otherwise provided in this article, amendments to
37 this article that alter the required content of a housing element
38 shall apply to both of the following:

39 (1) A housing element or housing element amendment prepared
40 pursuant to ~~subdivision (e) of Section 65588 or Section 65584.02~~

1 *Section 65584.02 or subdivision (e) of Section 65588*, when a city,
2 county, or city and county submits a draft to the department for
3 review pursuant to Section 65585 more than 90 days after the
4 effective date of the amendment to this section.

5 (2) Any housing element or housing element amendment
6 prepared pursuant to ~~subdivision (e) of Section 65588 or Section~~
7 ~~65584.02~~ *Section 65584.02 or subdivision (e) of Section 65588*,
8 when the city, county, or city and county fails to submit the first
9 draft to the department before the due date specified in Section
10 ~~65588 or 65584.02~~ *65584.02 or 65588*.

11 (f) *No later than three months before the end of the fourth year*
12 *of the planning period, any local government that was unable to*
13 *accommodate its share of the regional housing need for each*
14 *income level on sites identified in the inventory completed pursuant*
15 *to paragraph (3) of subdivision (a) without rezoning shall hold a*
16 *public hearing noticed pursuant to paragraph (5) of subdivision*
17 *(a) of Section 65091 to review whether the zoning required by*
18 *paragraph (1) of subdivision (c) has been adopted. At the*
19 *conclusion of the public hearing, the local government shall adopt*
20 *a resolution that finds that either the required zoning has been*
21 *adopted or that the required zoning has not been adopted. If the*
22 *required zoning has been adopted, the resolution shall include a*
23 *reference to each ordinance that zoned or rezoned property. If the*
24 *required zoning has not been adopted, the resolution shall include*
25 *a reference to each ordinance that zoned or rezoned property and*
26 *shall describe the actions that will be taken prior to the end of the*
27 *fourth year of the planning period to complete the requirements*
28 *of paragraph (1) of subdivision (c). The local government shall*
29 *send a copy of the adopted resolution to the department.*

30 ~~SEC. 6.~~

31 SEC. 5. Section 65584 of the Government Code is amended
32 to read:

33 65584. (a) (1) For the fourth and subsequent revisions of the
34 housing element pursuant to Section 65588, the department shall
35 determine the existing and projected need for housing for an
36 eight-year period for each region pursuant to this article. For
37 purposes of subdivision (a) of Section 65583, the share of a city
38 or county of the regional housing need shall include that share of
39 the housing need of persons at all income levels within the area
40 significantly affected by the general plan of the city or county.

1 (2) While it is the intent of the Legislature that cities, counties,
2 and cities and counties should undertake all necessary actions to
3 encourage, promote, and facilitate the development of housing to
4 accommodate the entire regional housing need, it is recognized,
5 however, that future housing production may not equal the regional
6 housing need established for planning purposes.

7 (b) The department, in consultation with each council of
8 governments, shall determine each region's existing and projected
9 housing need pursuant to Section 65584.01 at least three years
10 prior to the scheduled revision required pursuant to Section 65588.
11 The appropriate council of governments, or for cities and counties
12 without a council of governments, the department, shall adopt a
13 final regional housing need plan that allocates a share of the
14 regional housing need to each city, county, or city and county at
15 least one year prior to the scheduled revision for the region required
16 by Section 65588. The allocation plan prepared by a council of
17 governments shall be prepared pursuant to Sections 65584.04 and
18 65584.05 with the advice of the department.

19 (c) Notwithstanding any other provision of law, the due dates
20 for the determinations of the department or for the council of
21 governments, respectively, regarding the regional housing need
22 may be extended by the department by not more than 60 days if
23 the extension will enable access to more recent critical population
24 or housing data from a pending or recent release of the United
25 States Census Bureau or the Department of Finance. If the due
26 date for the determination of the department or the council of
27 governments is extended for this reason, the department shall
28 extend the corresponding housing element revision deadline
29 pursuant to Section 65588 by not more than 60 days.

30 (d) The regional housing needs allocation plan shall be
31 consistent with all of the following objectives:

32 (1) Increasing the housing supply and the mix of housing types,
33 tenure, and affordability in all cities and counties within the region
34 in an equitable manner, which shall result in each jurisdiction
35 receiving an allocation of units for low- and very low income
36 households.

37 (2) Promoting infill development and socioeconomic equity,
38 the protection of environmental and agricultural resources, and
39 the encouragement of efficient development patterns.

1 (3) Promoting an improved intraregional relationship between
2 jobs and housing.

3 (4) Allocating a lower proportion of housing need to an income
4 category when a jurisdiction already has a disproportionately high
5 share of households in that income category, as compared to the
6 countywide distribution of households in that category from the
7 most recent decennial United States census.

8 (e) For purposes of this section, “household income levels” are
9 as determined by the department as of the most recent decennial
10 census pursuant to the following code sections:

11 (1) Very low incomes, as defined by Section 50105 of the Health
12 and Safety Code.

13 (2) Lower incomes, as defined by Section 50079.5 of the Health
14 and Safety Code.

15 (3) Moderate incomes, as defined by Section 50093 of the Health
16 and Safety Code.

17 (4) Above moderate incomes are those exceeding the
18 moderate-income level of Section 50093 of the Health and Safety
19 Code.

20 (f) Notwithstanding any other provision of law, determinations
21 made by the department, a council of governments, or a city or
22 county pursuant to this section or Section 65584.01, 65584.02,
23 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08
24 are exempt from the California Environmental Quality Act
25 (Division 13 (commencing with Section 21000) of the Public
26 Resources Code).

27 ~~SEC. 7.~~

28 *SEC. 6.* Section 65584.01 of the Government Code is amended
29 to read:

30 65584.01. (a) For the fourth and subsequent revision of the
31 housing element pursuant to Section 65588, the department, in
32 consultation with each council of governments, where applicable,
33 shall determine the existing and projected need for housing for an
34 eight-year period for each region in the following manner:

35 (b) The department’s determination shall be based upon
36 population projections produced by the Department of Finance
37 and regional population forecasts used in preparing regional
38 transportation plans, in consultation with each council of
39 governments. If the total regional population forecast for the
40 planning period, developed by the council of governments and

1 used for the preparation of the regional transportation plan, is
2 within a range of 3 percent of the total regional population forecast
3 for the planning period over the same time period by the
4 Department of Finance, then the population forecast developed by
5 the council of governments shall be the basis from which the
6 department determines the existing and projected need for housing
7 in the region. If the difference between the total population growth
8 projected by the council of governments and the total population
9 growth projected for the region by the Department of Finance is
10 greater than 3 percent, then the department and the council of
11 governments shall meet to discuss variances in methodology used
12 for population projections and seek agreement on a population
13 projection for the region to be used as a basis for determining the
14 existing and projected housing need for the region. If no agreement
15 is reached, then the population projection for the region shall be
16 the population projection for the region prepared by the Department
17 of Finance as may be modified by the department as a result of
18 discussions with the council of governments.

19 (c) (1) At least 38 months prior to the scheduled revision
20 pursuant to Section 65588 and prior to developing the existing and
21 projected housing need for a region, the department shall meet and
22 consult with the council of governments regarding the assumptions
23 and methodology to be used by the department to determine the
24 region's housing needs. The council of governments shall provide
25 data assumptions from the council's projections, including, if
26 available, the following data for the region:

27 (A) Anticipated household growth associated with projected
28 population increases.

29 (B) Household size data and trends in household size.

30 (C) The rate of household formation, or headship rates, based
31 on age, gender, ethnicity, or other established demographic
32 measures.

33 (D) The vacancy rates in existing housing stock, and the vacancy
34 rates for healthy housing market functioning and regional mobility,
35 as well as housing replacement needs.

36 (E) Other characteristics of the composition of the projected
37 population.

38 (2) The department may accept or reject the information
39 provided by the council of governments or modify its own
40 assumptions or methodology based on this information. After

1 consultation with the council of governments, the department shall
2 make determinations in writing on the assumptions for each of the
3 factors listed in subparagraphs (A) to (E), inclusive, of paragraph
4 (1) and the methodology it shall use and shall provide these
5 determinations to the council of governments.

6 (d) (1) After consultation with the council of governments, the
7 department shall make a determination of the region's existing
8 and projected housing need based upon the assumptions and
9 methodology determined pursuant to subdivision (c). Within 30
10 days following notice of the determination from the department,
11 the council of governments may file an objection to the
12 department's determination of the region's existing and projected
13 housing need with the department.

14 (2) The objection shall be based on and substantiate either of
15 the following:

16 (A) The department failed to base its determination on the
17 population projection for the region established pursuant to
18 subdivision (b), and shall identify the population projection which
19 the council of governments believes should instead be used for the
20 determination and explain the basis for its rationale.

21 (B) The regional housing need determined by the department
22 is not a reasonable application of the methodology and assumptions
23 determined pursuant to subdivision (c). The objection shall include
24 a proposed alternative determination of its regional housing need
25 based upon the determinations made in subdivision (c), including
26 analysis of why the proposed alternative would be a more
27 reasonable application of the methodology and assumptions
28 determined pursuant to subdivision (c).

29 (3) If a council of governments files an objection pursuant to
30 this subdivision and includes with the objection a proposed
31 alternative determination of its regional housing need, it shall also
32 include documentation of its basis for the alternative determination.
33 Within 45 days of receiving an objection filed pursuant to this
34 section, the department shall consider the objection and make a
35 final written determination of the region's existing and projected
36 housing need that includes an explanation of the information upon
37 which the determination was made.

38 ~~SEC. 8. Section 65584.05 of the Government Code is amended~~
39 ~~to read:~~

1 ~~65584.05.— (a) At least one and one-half years prior to the~~
2 ~~scheduled revision required by Section 65588, each council of~~
3 ~~governments and delegate subregion, as applicable, shall distribute~~
4 ~~a draft allocation of regional housing needs to each local~~
5 ~~government in the region or subregion, where applicable, based~~
6 ~~on the methodology adopted pursuant to Section 65584.04. The~~
7 ~~draft allocation shall include the underlying data and methodology~~
8 ~~on which the allocation is based. The draft allocation shall be~~
9 ~~distributed prior to the completion of the update of the applicable~~
10 ~~regional transportation plan. The draft allocation shall distribute~~
11 ~~to localities and subregions, if any, within the region the entire~~
12 ~~regional housing need determined pursuant to Section 65584.01~~
13 ~~or within subregions, as applicable, the subregion's entire share~~
14 ~~of the regional housing need determined pursuant to Section~~
15 ~~65584.03.~~

16 ~~(b) Within 60 days following receipt of the draft allocation, a~~
17 ~~local government may request from the council of governments~~
18 ~~or the delegate subregion, as applicable, a revision of its share of~~
19 ~~the regional housing need in accordance with the factors described~~
20 ~~in paragraphs (1) to (9), inclusive, of subdivision (d) of Section~~
21 ~~65584.04, including any information submitted by the local~~
22 ~~government to the council of governments pursuant to subdivision~~
23 ~~(b) of that section. The request for a revised share shall be based~~
24 ~~upon comparable data available for all affected jurisdictions and~~
25 ~~accepted planning methodology, and supported by adequate~~
26 ~~documentation.~~

27 ~~(c) Within 60 days after the request submitted pursuant to~~
28 ~~subdivision (b), the council of governments or delegate subregion,~~
29 ~~as applicable, shall accept the proposed revision, modify its earlier~~
30 ~~determination, or indicate, based upon the information and~~
31 ~~methodology described in Section 65584.04, why the proposed~~
32 ~~revision is inconsistent with the regional housing need.~~

33 ~~(d) If the council of governments or delegate subregion, as~~
34 ~~applicable, does not accept the proposed revised share or modify~~
35 ~~the revised share to the satisfaction of the requesting party, the~~
36 ~~local government, may appeal its draft allocation based upon either~~
37 ~~or both of the following criteria:~~

38 ~~(1) The council of governments or delegate subregion, as~~
39 ~~applicable, failed to adequately consider the information submitted~~
40 ~~pursuant to subdivision (b) of Section 65584.04, or a significant~~

1 and unforeseen change in circumstances has occurred in the local
2 jurisdiction that merits a revision of the information submitted
3 pursuant to that subdivision.

4 (2) The council of governments or delegate subregion, as
5 applicable, failed to determine its share of the regional housing
6 need in accordance with the information described in, and the
7 methodology established pursuant to Section 65584.04.

8 (e) The council of governments or delegate subregion, as
9 applicable, shall conduct public hearings to hear all appeals within
10 60 days of the date established to file appeals. The local
11 government shall be notified within 10 days by certified mail,
12 return receipt requested, of at least one public hearing on its appeal.
13 The date of the hearing shall be at least 30 days and not more than
14 35 days from the date of the notification. Before taking action on
15 an appeal, the council of governments or delegate subregion, as
16 applicable, shall consider all comments, recommendations, and
17 available data based on accepted planning methodologies submitted
18 by the appellant. The final action of the council of governments
19 or delegate subregion, as applicable, on an appeal shall be in
20 writing and shall include information and other evidence explaining
21 how its action is consistent with this article. The final action on
22 an appeal may require the council of governments or delegate
23 subregion, as applicable, to adjust the allocation of a local
24 government that is not the subject of an appeal.

25 (f) The council of governments or delegate subregion, as
26 applicable, shall issue a proposed final allocation within 45 days
27 of the completion of the 60-day period for hearing appeals. The
28 proposed final allocation plan shall include responses to all
29 comments received on the proposed draft allocation and reasons
30 for any significant revisions included in the final allocation.

31 (g) In the proposed final allocation plan, the council of
32 governments or delegate subregion, as applicable, shall adjust
33 allocations to local governments based upon the results of the
34 appeals process specified in this section. If the adjustments total
35 7 percent or less of the regional housing need determined pursuant
36 to Section 65584.01, or, as applicable, total 7 percent or less of
37 the subregion's share of the regional housing need as determined
38 pursuant to Section 65584.03, then the council of governments or
39 delegate subregion, as applicable, shall distribute the adjustments
40 proportionally to all local governments. If the adjustments total

1 more than 7 percent of the regional housing need, then the council
2 of governments or delegate subregion, as applicable, shall develop
3 a methodology to distribute the amount greater than the 7 percent
4 to local governments. In no event shall the total distribution of
5 housing need equal less than the regional housing need, as
6 determined pursuant to Section 65584.01, nor shall the subregional
7 distribution of housing need equal less than its share of the regional
8 housing need as determined pursuant to Section 65584.03. Two
9 or more local governments may agree to an alternate distribution
10 of appealed housing allocations between the affected local
11 governments. If two or more local governments agree to an
12 alternative distribution of appealed housing allocations that
13 maintains the total housing need originally assigned to these
14 communities, then the council of governments shall include the
15 alternative distribution in the final allocation plan.

16 (h) ~~Within 45 days of the issuance of the proposed final~~
17 ~~allocation plan by the council of governments and each delegate~~
18 ~~subregion, as applicable, the council of governments shall hold a~~
19 ~~public hearing to adopt a final allocation plan. To the extent that~~
20 ~~the final allocation plan fully allocates the regional share of~~
21 ~~statewide housing need, as determined pursuant to Section~~
22 ~~65584.01, the council of governments shall have final authority~~
23 ~~to determine the distribution of the region's existing and projected~~
24 ~~housing need as determined pursuant to Section 65584.01. Within~~
25 ~~60 days of adoption by the council of governments, the department~~
26 ~~shall determine whether or not the final allocation plan is consistent~~
27 ~~with the existing and projected housing need for the region, as~~
28 ~~determined pursuant to Section 65584.01. The department may~~
29 ~~revise the determination of the council of governments if necessary~~
30 ~~to obtain this consistency.~~

31 (i) ~~Any authority of the council of governments to review and~~
32 ~~revise the share of a city or county of the regional housing need~~
33 ~~under this section shall not constitute authority to revise, approve,~~
34 ~~or disapprove the manner in which the share of the city or county~~
35 ~~of the regional housing need is implemented through its housing~~
36 ~~program.~~

37 *SEC. 7. Section 65588 of the Government Code is amended to*
38 *read:*

1 65588. (a) Each local government shall review its housing
2 element as frequently as appropriate to evaluate all of the
3 following:

4 (1) The appropriateness of the housing goals, objectives, and
5 policies in contributing to the attainment of the state housing goal.

6 (2) The effectiveness of the housing element in attainment of
7 the community's housing goals and objectives.

8 (3) The progress of the city, county, or city and county in
9 implementation of the housing element.

10 (b) *(1) The housing element shall be revised to reflect the results*
11 *of this periodic review as appropriate, but not less than every five*
12 *eight years, to reflect the results of this periodic review for a*
13 *jurisdiction within a regional transportation planning agency or*
14 *a local transportation commission to reflect the adoption of the*
15 *regional transportation plan for the area in which the local*
16 *government is located, and not less than every 10 years for all*
17 *other jurisdictions to reflect the adoption of the regional*
18 *transportation plan for the area in which the local government is*
19 *located.*

20 *(2) The provisions of paragraph (1) shall take effect beginning*
21 *with the first review cycle after the completion of the revisions*
22 *required by subdivision (e). The first year of the first eight- or*
23 *10-year cycle set forth in paragraph (1) shall be all of the*
24 *following:*

25 *(A) The same as the first year of the regional transportation*
26 *plan adopted for that region.*

27 *(B) Two years after the actions required to be taken by the*
28 *department pursuant to Section 65584.*

29 (c) The review and revision of housing elements required by
30 this section shall take into account any low- or moderate-income
31 housing provided or required pursuant to Section 65590.

32 (d) The review pursuant to subdivision (c) shall include, but
33 need not be limited to, the following:

34 (1) The number of new housing units approved for construction
35 within the coastal zone after January 1, 1982.

36 (2) The number of housing units for persons and families of
37 low or moderate income, as defined in Section 50093 of the Health
38 and Safety Code, required to be provided in new housing
39 developments either within the coastal zone or within three miles
40 of the coastal zone pursuant to Section 65590.

1 (3) The number of existing residential dwelling units occupied
2 by persons and families of low or moderate income, as defined in
3 Section 50093 of the Health and Safety Code, that have been
4 authorized to be demolished or converted since January 1, 1982,
5 in the coastal zone.

6 (4) The number of residential dwelling units for persons and
7 families of low or moderate income, as defined in Section 50093
8 of the Health and Safety Code, that have been required for
9 replacement or authorized to be converted or demolished as
10 identified in paragraph (3). The location of the replacement units,
11 either onsite, elsewhere within the locality's jurisdiction within
12 the coastal zone, or within three miles of the coastal zone within
13 the locality's jurisdiction, shall be designated in the review.

14 (e) Notwithstanding subdivision (b) or the date of adoption of
15 the housing elements previously in existence, each city, county,
16 and city and county shall revise its housing element according to
17 the following schedule:

18 (1) Local governments within the regional jurisdiction of the
19 Southern California Association of Governments: June 30, 2006,
20 for the fourth revision.

21 (2) Local governments within the regional jurisdiction of the
22 Association of Bay Area Governments: June 30, 2007, for the
23 fourth revision.

24 (3) Local governments within the regional jurisdiction of the
25 Council of Fresno County Governments, the Kern County Council
26 of Governments, and the Sacramento Area Council of
27 Governments: June 30, 2002, for the third revision, and June 30,
28 2008, for the fourth revision.

29 (4) Local governments within the regional jurisdiction of the
30 Association of Monterey Bay Area Governments: December 31,
31 2002, for the third revision, and June 30, 2009, for the fourth
32 revision.

33 (5) Local governments within the regional jurisdiction of the
34 San Diego Association of Governments: June 30, 2005, for the
35 fourth revision.

36 (6) All other local governments: December 31, 2003, for the
37 third revision, and June 30, 2009, for the fourth revision.

38 (7) Subsequent revisions shall be completed not less often than
39 at ~~five-year~~ *eight-year* intervals following the fourth revision.

1 ~~SEC. 9.~~

2 *SEC. 8.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of Section
7 17556 of the Government Code.

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